

CONDO CONVERSION COMPARISON TABLE

	CURRENT ORDINANCE SECTION 7-61 TO 7-76	STATE LAW (CHAPTER 527 OF 1983)	BOSTON ORDINANCE CHAPTER 10-2	DRAFT ORDINANCE
Properties covered under Ordinance	Covers housing with one or more rental units. 7-64	Exempts buildings with fewer than 4 units. 3	Exempts buildings with fewer than 4 units. 10-2.1(i)(3)	Same as current but exempts single family dwellings. 7-63
Notification trigger	Notice required at least one year before the declarant files the master deed. Or if a master deed was already filed, landlord must give required notice one or five years prior to initiating an eviction action. 7-67	Notice required when owner has “intent to convert.” 4(a)	No “trigger” for notification. Owner cannot bring action to take possession of unit until 1 year after written notice given to tenant or until expiration of tenant’s lease, whichever is later. 10-2.10(a)(1)	Notice required when owner has “intent to convert.” Includes definition of “intent to convert.” 7-64(a)
Notification requirements	1-year notice of intent. 2-year notice of intent for disabled, elderly or low/moderate income tenants. 7-67(a)-(c)	1-year notice of intent. 2-year notice of intent for physically disabled, elderly or low/moderate income tenants. 4(a) However this period is extended by two years if no comparable housing is located. See below “Obligation to Locate Comparable Housing”	1-year notice of intent. 5-year notice of intent for disabled, elderly or low/moderate income tenants.	1-year notice of intent. 5-year notice of intent for disabled, elderly or low/moderate income tenants. 7-64(a)(ii)

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Burden of proof for showing elderly, disabled or low/moderate income status	Does not include burden of proof for elderly, disabled, or low/moderate income status.	Burden of proof is on the tenant. 4(a)	Burden of proof is on the tenant. 10-2.10(a)(4)	Burden of proof is on the tenant, if contested. 7-64(a)
Right to purchase	Tenant has a 30-day right to purchase. Unit cannot be sold on more favorable terms for 180 days. 7-69(b) and (c)	Tenant has 90-day right to purchase. 4(b)	Tenant has a 90-day right to purchase. 10-2.10(f) In event of “condominium conversion eviction,” tenant still has right to purchase. 10-2.13A(b)	Tenant has a 120-day right to purchase. Elderly, disabled and low/moderate income tenants have 180-day right to purchase. Non-profit and city of Somerville have concurrent 120-day right to purchase, with tenant having priority. For unoccupied units, non-profit and city of Somerville have 120-day right to purchase. 7-64(c)
Reimbursement	Owner must reimburse for the costs of relocation up to \$300 or one month’s rent, whichever is greater, for tenant whose income	Reimbursement of documented expenses of up to \$1000 for elderly, disabled or low/moderate income	Flat fee reimbursement of \$10,000 for elderly, disabled or low/moderate income tenants; \$6,000 for all other tenants. 10-	Flat fee reimbursement of \$10,000 for elderly, disabled or low/moderate income tenants; \$6,000 for all other tenants.

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	level meets Section 8 qualifications. 7-70(a) and (b)	tenants and up to \$750 for all other tenants. 4(c)	2.10(g)	Low/moderate income, elderly or disabled tenants can have funds paid directly to third parties prior to move.7-64(d)
Obligation to locate comparable housing	No obligation to locate comparable housing.	Landlord must assist elderly, disabled or low/moderate income housing tenants to locate comparable housing. Failure of the owner to do so extends occupancy for 2 years. 4(d)	Landlord must assist elderly, disabled or low/moderate income housing tenants to locate comparable housing.10-2.10(h)	Landlord must assist elderly, disabled or low/moderate income housing tenants to locate comparable housing. Failure of the owner to do so extends occupancy for 2 years. 7-64(e)
Extension of rental agreement	“Nothing in this section permits termination by a declarant of a housing rental agreement in violation of its terms. Tenants are permitted to terminate lease early after receiving notice of intent to convert from the	Notice period shall not be less than rental agreement or applicable period for notice of intent, whichever is greater. 4(a) and (e)	Cannot bring action for possession until the later of the expiration of the rental agreement or applicable period of notice of intent. 10-2.10(a)(1) and (2).	Owner must extend rental agreement to the end of the notice period or applicable right to purchase period. If notice period shorter than rental agreement, notice period shall extend to coincide with expiration of rental

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	landlord. 7-67(g)			agreement. 7-64(f)
Rent increases	“The terms of the tenancy may not be altered during any notice period under this article.” 7-67(f)	Rent may be increased by the lesser of 10% or the CPI increase. 4(e)	Rent may be increased by the lesser of 10% or the CPI increase. 10-2.10(e)	Rent may be increased by the lesser of 10% or the CPI increase. 7-64(f)
Tenant access to workers or purchasers	Tenant must give access for inspection and showing unit upon receipt of a forty-eight hour notice. 7-71(a)	No specific provision. G.L. c. 186, s. 15B covers Landlord’s rights of entry.	All protections for tenants and landlords under existing law still apply. 10-2.13B(a) G.L. c. 186, s. 15B covers Landlord’s rights of entry.	Could amount to “condominium or cooperative conversion eviction” if showings/inspections materially impair tenant’s use and enjoyment of the premises. 7-63 and 7-64(b)
Rehabilitation of unit during notice period	Not permitted while unit occupied by tenant. 7-71(b)	No specific provision. G.L. c. 186, s. 14 covers tenant’s right to quiet enjoyment and prohibits interruption of essential services.	All protections for tenants and landlords under existing law still apply. 10-2.13B(a) G.L. c. 186, s. 14 covers tenant’s right to quiet enjoyment and prohibits interruption of essential services.	Could amount to “condominium or cooperative conversion eviction” if rehab materially impairs tenant’s use and enjoyment of the premises. 7-63 and 7-64(b)

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Interruption of essential services	Tenant can notify Condo Review Board and City Building and Health Depts to take corrective action. 7-72	No specific provision. G.L. c. 186, s. 14 covers tenant's right to quiet enjoyment and prohibits interruption of essential services.	All protections for tenants and landlords under existing law still apply. 10-2.13B(a) G.L. c. 186, s. 14 covers tenant's right to quiet enjoyment and prohibits interruption of essential services.	Could amount to "condominium or cooperative conversion eviction." 7-63 and 7-64(b)
Penalty for violation	Violations of ordinance or false statement are punishable by fine of not more than \$200. 7-76 and 1-11	Violations punishable by fine of not less than \$1000 or imprisonment for not less than 60 days. Each unit converted in violation is a separate offense. 5	Violations punishable by a fine of not more than \$500 and \$200 per day if violation exists for more than thirty days. 10-6.5	Violations shall be punished by fine of not less than \$1,000 or in accordance with s. 1-11 amendment (to be discussed). 7-65
Rights of subsequent tenants	No provisions on subsequent tenants in current ordinance.	Subsequent tenants must get written notice that property is being converted prior to the inception of their tenancy but do not	Subsequent tenants must get written notice that property is being converted prior to the inception of their tenancy. 10-2.13A(a)	Owner must provide written notice to subsequent tenant who can step into the remainder of the notification period, not to

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		otherwise have any special rights. 8		exceed one year. Subsequent tenant not entitled to protections of ordinance. 7-64(a)
Establishment of Board	Provides for creation of 5-member CRB. 7-68	The state statute does not create a CRB – enforcement is through the courts when a landlord seeks an eviction.	Provides for creation of 5-member Rent Equity Board. 10-2.2(a)	Provides for creation of 5-member CRB. 7-68
Criteria for decision	CRB must consider: benefits to citizens of the city, hardships imposed on tenants in the unit, any aggravation of the shortage of rental units in the city, especially units for tenants who are low/moderate income, elderly or disabled. 7-66(d)	See above	Board must consider: benefits/costs to persons the ordinance seeks to protect, hardships imposed on tenants, hardship/inequity to applicant, rate of vacancy in Boston, evidence of arson. 10-2.11(e)(2)	No criteria listed, but see standards for denial below.
Standards for denial	No standards included.	See above	No standards included.	CRB may deny a permit if documentation is

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				materially incomplete, if it finds that the hardships imposed on tenants justify a denial, or where statement or documents found to be false. May also deny if “owner has tried to avoid the law by, e.g., unreasonable rent increases, etc. 7-68(d)
Revocation of permit	No provision for revocation.	See above	Board cannot revoke permit but can modify its terms. 10-2.11(e)(4)	CRB may revoke for false documentation or statements.7-68(d)
Permit expiration date	If owner abandons plan to convert, owner and any subsequent owner is prohibited from sending another notice to tenants for 18 months. 7-73	See above	Does not include a permit expiration date.	Permit lapses if Master Deed is not filed within 1 year of granting permit or if unit has not been sold or leased within 2 years of granting permit. 7-67